VOL. VI NO. 23

McGILL UNIVERSITY FACULTY OF LAW FACULTE DE DROIT UNIVERSITE McGILL

April 2, 1986 2 avril, 1986

COMMENTS ON CURRICULUM REFORM

by Dan Bilak Student Representative, Faculty Council

There has been some concern expressed by a number of students that the recent curriculum changes enacted by Faculty Council with respect to core first-year private law courses and semi-obligatories will have a detrimental effect on the common-law education received by National Programme students entering the faculty in the B.C.L. stream. To meet this criticism the changes must be put in their proper context.

The restructuring of first year LL.B. and B.C.L. emerged as a natural outgrowth of a consideration of how best to reduce the

semi-obligatory onerous credit load students must bear. The Curriculum Committee realized that if greater flexibility in choosing courses was to be given to National Programme students in their upper years, the private law obligatory component of a McGill law student's education must be increased in first year. Obviously the problem vis-à-vis obligatory and semi-obligatory courses was particularly acute on the civil law side. As a consequence the Curriculum Committee looked first at restructuring B.C.L. I.

To make a long story short, after considerable deliberation and consultation with Faculty, the Committee proposed that the

credit weight of Obligations I & II and of Property I be increased for first year students. It also proposed, with the enthusistic endorsement of professors who teach those courses, that separate Obligations I & II and Property I courses with less credit weight be established for LL.B. II students. This was done students. to diminish the conceptual overlap many second year students experience being in a first year course, and to permit those courses to be taught at an advanced second year level.

LAW LIBRARY

Having made these changes, the Committee was compelled to examine how this proposal fit into the over-

Cont'd on p. 5

SOVIET DISINFORMATION COUP

Over the past few weeks two articles have appeared in the Quid Novi regarding life in the Soviet Union. The first was written by a law student who was part of a group of students who visited the Soviet Union. The second pertained to the plight of Soviet Jewry.

The latter article (Why Russians Drink Vodka, March 19, 1986) should be applauded for the goals it set out to achieve. Westerners must be made aware of the injustices and repressions committed under communist regimes. Accor-

of the Select Committee on Communist Aggression, House of Representatives, Jews are persecuted and "represent objects of special communist attention" because of their devotion to their faith, their international ties, and the strong nationalistic tenor of their history and culture.

If what one desires is "knowledge of soviet society" as "an imperative step towards resolving many of the problems that plague East-West relations", then it is equally important

that one become aware of the totality of the problems within the Soviet Union. According to the same Summary Report national culture, aspirations, religion, or independence are permitted to freely exist." Furthermore, "there is no limit to the terror, oppressive tactics, barbarity, perfidy, and inhuman corruption which the Soviet Union will employ to enforce or secure its demands and desires against a victim nation." This means that many other

Cont'd on p. 6

ANNOUNCEMENTS

IMPORTANT DATES TO REMEMBER

Wednesday, April 2, 1:00 p.m., Moot Court

Information meeting with Associate Dean on Early Course Selection Procedure; the National Programme Procedure; Degree Requirements.

Wednesday, April 16, Last Day of Classes

All Essays and Term Papers are due at the S.A.O. no later than 5:00 p.m. Any extension must be authorized by the Associate Dean.

Monday, April 21, -- Wednesday, May 7 -- Winter Term Examinations

Please check Notice Board #3 for more detailed information.

Thursday, June 12, 2:30 p.m., Place des Arts --Convocation

Have you returned the information and fees requested by the Registrar's Office?

Early Course Selection Material will be ready for handout at the S.A.O. not later than the beginning of May and in all likelihood during the last week of April.

for Early Course Selection to reach S.A.O.

To All Students

Information has been made available concerning Summer Internship Programmes in Firms Doing International Business Law in U.S.A. and In Europe and other information of a similar character concerning hiring by U.S. and international law firms. You might wish to bring this to the attention of your students.

Computers and the Law Group

The Dean has asked me to organize a Faculty Student Group to consider extending the uses of computers to the study of the law. Professors Ralph Simmonds and Daniel Jutras have kindly agreed to serve on this committee.

I should be grateful to have the names of interested students who will be returning next year and who are interested in participating in the work of such a committee.

As a first step, the Faculty will become a supporting member of the Harvard Law School Computer Assisted Learning Project. All interested students should leave their names with Mrs. Van Leynseele.

Prof de Mestral

Lawyers for Social

Responsibility

Les Avocats en faveur d'une

conscience sociale

YEAR-END MEETING WINE AND ELECTIONS

COMMON ROOM 4 p.m.
Thursday, April 10

Help the largest university Chapter of the fastestgrowing national legal organization in Canada celebrate its very successful first year at McGill.

We will elect an executive for 86/7, as well as reps to National Council and Policy Commission.

All welcome!
Tout le monde est bienvenue

PARTY

Thursday, April 3 at Club Jodees (2025 Drummond) at 9:00 p.m. Joining us will be our colleagues from the University of Montreal. No cover charge!

LSA Student Participation Awards-CONGRATULATIONS!

Maria Battaglia
Lyle Carlstrom
Del Daignault
Norman Dionne
Richard George

Cheryl Goldsmith
Diletta Prando
Debbie Raicek
Brigitte Ramaseder
John Relton

Billy Rosenberg Yves Sicard Rob Smith Scott Turner Christine Walter

LETTERS TO THE EDITOR

To the editor,

Feminism at the McGill Faculy of Law. In response to the individuals who felt compelled to criticize the participation of women in many skit nite cameos, we offer the following observations -- from one feminist to another.

First, it could not be said that Ms. Saad and Ms. Giroux understate their observations. In the Fever skit "women in black body suits" (they were wearing black turtlenecks, and black pants) "thrust out their pelvises at the Dean" (they performed a standard dance move which involved placing their hands on the chairs beneath them and arching their body forward). Candy "made Suzanne Somers...look like Gloria Steinem" (quite an accomplishment). "Cum Fila Thi" danced a "striptease chorus" and we're "steoreotypical brainless characters" behaving "like fruit at the market". The evening was simply "a sad commentary on the attitudes of the present crop of aspiring lawyers."

I am a feminist. resent Ms. Giroux and Ms. Saad attempting to force their ideals of feminism upon me by way of overstated, virulent, and irrelevant criticism. The Fever sketch was a dance routine -- that's all. It was not an attempt to underline the differences between men and women, or insinuate that women get hot over men in positions of power. It was a dance routine. The crit-icisms levelled at Candy and Cum Fila Thi demon-strate that Ms. Giroux and Ms. Saad have fundamentally opposed conceptions of the worth and role of the female form to my own. The

statement that the worth of the two skits was to be found in "how much of their objectified bodies they [the participants] reveal, indicates that, for Ms. Giroux and Ms. Saad, because men objectify female form, women who reveal their bodies simply contribute to stereotypical attitudes towards women. I do not attempt to regulate how, when and the context in which I will show my body by men's reactions. The freedom to dress and portray my body as I will is, for me, one of the most basic principles of female liberation. I will not relinquish that freedom for a feminist doctrine dictated by men's reactions.

Ms. Giroux claims that by performing in these skits, the women involved felt "a need to assert their femininity" by revealing their bodies. don't define my femininity by the fact that I have breasts. Femininity "is nothing more than how each individual woman chooses to define a character and lifestyle which suits her goals and aspirations. Moreover, the women who performed these skits are secure in their femininity -- they can step in and out of roles without fear or favor; they are versatile.

We do not question the sincerity with which Ms. Giroux and Ms. Saad assert their feminist ideals. In return, we hope that in the future they will acquire tolerance for feminists whose principles differ from their own. We are proud to have been participants in skit nite. If Ms. Giroux and Ms. Saad want to see a different brand of comedy or "biting social commentary" perhaps next year they will participate in skit nite. To refer to women as sexists and mysogynists only defeats the type of solidarity needed to advance the women's movement.

Gayle Pinheiro (Cum Fila Thi)

To the Editor,

We can't even begin to tell you how wonderful it is to know that we are not alone in our feelings. We, too, find that sex appeal, intelligence, wit and power give us Fever. Other things that we share in common with recent submissions to the Quid Editor are:

- 1) no sense of humour
- 2) a rabid fear of sex
- 3) carefully cultivated unattractiveness
- 4) an inordinate fondness for Contracts in the areas of Frustration and Misinterpretation
- 5) a love of both primary and ancillary submissions
- 6) a desire to rise to the top of the heap
- 7) a fear of domination
- 8) we are never sure, when we say no, whether we really mean yes.

Sex appeal and talent have no place on a stage, in a Faculty of Law or in real life.

Yours most sincerely,
Lawyers for
Sexual Responsibility
Ken Aboud
Esther Berglas
Brad Condon
Dianne George
LLB I

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Just a Little Bit of News..

At its last meeting of this year, Faculty Council passed a resolution which will change the Mooting and Tutorial Programmes in a major way. The changes, which will be detailed below, will be in effect for the 1987-88 entrants.

The changes were the result of the tireless efforts of the Faculty Council Curriculum Committee. It seized the opportunity to deal with the current Mooting and Tutorial Programmes, both of which had been the subject of criticism in the past. In essence, the following is the structure of the new programme.

Two new full-year three-credit courses entitled Legal Research, Writing and Appellate Court Advocacy (Civil Law) and Legal Reserach, Writing and Appellate Court Advocacy (Common Law) will be introduced. First-year students will take this course according to the programme in which they enter. Teaching assistants will conduct seminars on a bi-weekly basis, focussing on legal research, writing and appellate court advocacy. The assignments in the programme will be a research memorandum, an appellate court factum, a mooting exercise and a case comment (these will be set and evaluated by faculty members), and a case brief and a library assignment (these will be set and evaluated by the teaching assistants). The mooting exercise will be the only compulsory moot and will take place in the second semester of first year.

In their second year, students will take a one credit legal writing course in the opposite stream from which they entered (Legal Research and Writing (Civil Law) and Legal Research and Writing (Common Law)).

Students will be required

to write two legal memorandums which will be set and evaluated by instructors of courses in which the students are enrolled.

There will be 13 to 15 teaching assistants who will recieve three credits and \$300 per semester. The Moot Court Board and the current Board of Student Advisors will no longer exist.

the major These are components of the proposed changes to the Mooting and Tutorial Programmes. The Curriculum Committee produced a detailed document explaining the changes and the reasons behind these changes. For those who want to read the proposal, it has been posted just outside the LSA office. Also, please feel free to ask any student member of Faculty Council any questions you may have concering these changes.

There were some other optional new courses introduced, both at this meeting and at the previous meeting of Faculty Council:

- (1) Advanced Appellate
 Court Advocacy: (2
 credits)
- (2) Practical Writing Credits: Students enrolled in a course would have the option in certain courses to add a writing requirement (e.g. drafting a will and an advising letter to a client) (1 credit).
- credit).
 (3) Immigration Law: (2 credits).
 - (4) Trial Court Advocacy:
 (3 credits)
 - (5) Advanced Labour was increased from 2 to 3 credits.

Faculty Council also made a decision regarding the semi-obliatory courses which would have to be

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Curriculum Reform Cont'd from p. 1

all structure of the National Programme, particularly in its relationships to the LL.B. stream. The Committee was not looking for exact symmetry between the two streams. Indeed, the problem of overlapping prinicples seemed, at first blush, to be less apparent here than it had been when considering the B.C.L. structure. However, in extensive consultation with professors who have taught or are teaching Torts, Contracts and Property, it was the majority view of these teachers that a restructuring of the LL.B. stream of the National Programme along the lines suggested in the B.C.L. proposal was not only feasible but desireable.

There are a number of important points to be highlighted from this process of curriculum reform. First, each of the B.C.L. and LL.B. proposals were accorded detailed scrutiny and considerable deliberation. Faculty members concerned were consulted requ-

larly, and their opinions carried considerable, although not determinative weight in committee meetings. Second, the professors are the best judges of what can or cannot be taught in such courses with no deterioration in the quality of legal education received by a student.

This last remark leads into the third and most contentious point. Greg Borden argued in his article last week that because the credit weight in a second year common law course is to be reduced by one-third, it necessarily follows that presently one-third of the material taught in these courses is redundant. He felt this has not been satisfactorily demonstrated to warrant the changes proposed. This an-alysis, however, ignores the essential point of the reform. Its objective is to allow individual professors to design an advanced common law course for second-year B.C.L. students. How one upper year contracts course is taught by Professor A may be taught completely differently by

Professor B. The fact that Professor C wouldn't teach his course any differently than it is currenly taught merely underlines the basic purpose of the reform. Therefore the fact that some "students do not now perceive any problem of redundancy" (to use Greg's words) is beside the point.

One further point can be made. There is no magic in the number of credits allotted to a course. Many schools assign less than six credits to Contracts or Poperty. Within the structure of a law school curriculum, the substance of a course is a function of how the course is taught and of how the material is presented. I cannot emphasize enough that these reforms were taken for sound pedagogical and academic reasons. Even more importantly, they were made with a view to encouraging academic and intellectual excellence on the part of students. The changes were implemented with the best interests of students in the National Programme in mind.

What's LSR/AFGS ?

by Andy Orkin

Easy answer: It's Lawyers for Social Responsibility/ Les avocats en faveur d'une conscience sociale.

"What a stupid name! Are these guys saying I'm not socially responsible 'cause I don't belong to LSR? I'll tell them where to stick their social responsibility..." (Heard in the Chancellor Day elevator.)

Well, for starters, it's a national organization of judges, lawyers and law

students who are seeking to make a professional contribution to reducing the threat of global nuclear war, and international tension, and to peace.

Our National Board includes the Rt. Hon. Roland Michener (a McGill graduate and former Governor-General), the Hon. Eugene Forsey, Judge Maxwell Cohen of the International Court of Justice, Major-General Leonard Johnson, H.W. Arthurs (President, York University), Dr. George Ignatieff (Chancellor, U. of T.)....

LSR/AFCS is the fastest

growing legal organization in Canada: we've more than 1500 members in less than 2 years. We have organized major conferences all over Canada, including the "Hope in the Nuclear Age" Conference at McGill last November, that we co-sponsored with Physicians for Social Responsibility, which won last year's Nobel Peace Prize. We are co-sponsoring, with the Canadian Bar Association (no less), a major international conference to be held in Ottawa in the fall, on the Legality of Nuclear Weapons that

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Soviet Disinformation Coup Cont'd from p. 1

minority ethnic groups of the U.S.S.R., such as the Armenians, Georgians, Lithuanians, Tatars, and Ukranians, etc. are subject to persecution along with the Jews if they persist in resisting Russification and Sovietization.

For example, "the Ukranians have comprised and still do comprise a very essential part of the contingent of prisoners conscience, disproportionately large in comparison to the proportion of this nation in the whole population of the U.S.S.R." (Appendix H-I, p. 1, The Shcharansky Appeal). in V. Chortnovil's essay, reproduced in Brumberg's In Quest of Justice: Protest and Dissent in the Soviet Union Today (1970), "By 1937, Ukranian learning and culture were already bled white."

As an individual of mixed Jewish and Ukrainian parentage, I find it difficult to think about the plight of the Soviet Jew without also reflecting upon the repressions that any ethnic group in the U.S.S.R. faces if it wishes to affirm its uniqueness.

Regarding the first article (the Soviet Union: Perceptions of a Law Student, February 12, 1986), I have few positive comments. In fact I am tempted to say that I regard such an article with contempt. However, I will refrain from doing so as I am fully aware that the opinions of the author are founded upon ignorance of Soviet history.

What we at the Faculty of Law have been subjected to is a successful Soviet disinformation coup. The tactics are simple. West-

ern tourists are shown the best that Soviet society has to offer. They return home and proffer favourable statements about the Soviet regime to their friends. This time the Soviets received a bonus: a favorable article was written in a law school newspaper. often have I heard visitors behind the Iron Curtain stating: "It's not so bad as I thought it would be." Of course it is not. did they ever try to visit a closed city or talk to a Soviet citizen about world politics or economics and not merely Wayne Gretzky? If this had been attempted then the tourist would quickly have had dealings with the Committee for State Security (KGB). naive of one to think that one was not tailed by the KGB. There is a division of agents in the KGB who do nothing but spend their encareers following people.

The KGB has total control of the Soviet Union. They have permeated every aspect of Soviet life. "[Every] person affected by the actions of the Soviet Union is affected by the KGB" (Barron, KGB: The Secret Work of Soviet Secret Agents at 2). And of course the student visitors' very helpful intourist guides were KGB, for "intourist is a virtual fiefdom of the KGB" (Supra at 12).

One of the major Soviet goals is the legitimization of the Soviet legal system in Western eyes. It appears that our law students have been duped into thinking that the Soviet judicial system is fair and comparable to those in Western regimes. While it may be true that there is justice in ordinary civil and criminal trials, this is not so in any trial where it is deemed that the in-

terest of the state is involved. In these latter "political" trials the results are predetermined. The procurators and judges are wholly subservient to the orders of the Communist Party as relayed by the KGB (Dina Kaminskaya, Final Judgment: My Life as a Soviet Defense Attorney). An interesting example of such predetermination is to be found in the Linnas case. Linnas was tried in the Soviet Union in absentia for war crimes committed in Estonia. The maga-zine "Socialist Legality" published an account of the trial including the decision of the judges and the reaction of the crowd. The magazine arrived in the hands of its subscribers no later than the twelfth of January 1962. Noteworthy is that the decision was actually rendered on the 20th of January. The trial had been postponed from the 2nd to the 16th of January due to the illness of one of the defendants. The editors of the magazine were not notified of this delay and went ahead with publication (7 Man L.J. 307 (1977)).

These are but a few examples of the type of conditions prevailing in the Soviet Union. If the inquiring student would like to learn more about the U.S.S.R., I strongly suggest a reread of George Orwell's 1984 and Animal Farm and of course Alexander I. Solzhenitsyn's The Gulag Archipelago 1918-1959: An Experiment in Literary Investigation, Parts I Throuh VII.

Taras Kulish BCL II

Letter to the Editor Cont'd from p. 3

Lettre à la Ridaction,

Je trouve infiniment regrettable la réaction suscitée par le dernier Skit Nite parmi certains de mes collègues. Croyez-moi, je n'ai jamais cru de bon ton de s'esclaffer à des blagues de mauvais goût, qu'elles soient sexistes, racistes, ou tout simplement vulgaires. Et de ce genre de blagues, il y en avait, au Skit Nite de cette année.

Cependant, je ne crois pas qu'il soit approprié d'imposer mes récidives à la Faculté, d'autant plus que les participants aux dits sketches ont souvent travaillé très fort pour monter leur numéro. ; Ils méritent le bénéfice du doute (accordé, après tout, même aux criminels). Aussi aurai-je la décence de me taire.

Skit Nite n'est pas un Percours obligatoire. sonne n'est obligé d'en supporter le contenu jusqu'à la fin, ni même d'y aller. Une excellente alternative est d'aller s'enfermer chez soi pour lire Benoîte Groult sur la

condition féminine. Cette attitude déplorable montre au moins une chose: c'est que la liberté d'expression, dont cette école se fait fort de ranter les vertus à grand renfort de polémiques, est curieusement absente lorsque ce serait le temps où jamais de la mettre pratique.

Sophie Nappert

Skit Nite Thanks

In hoping to sidestep the controversy surrounding the content of the skits on stage, we would like to thank those who succeeded in achieving the very purpose of the show itself. When we aimed at collecting funds for the Brewery Mission, triple digits were not thought to be even remotely attainable. But Henri Bybelizer, with the assistance of Patricia Allen and Peter Hoffman led a fundraising campaign that furnished the Mission with \$5000 from the various sources available. It is faculty, the legal our faculty, the legal community and the social consciences of some good corporate citizens that made it all possible. It is hardly refutable that that should be the focus of the efforts involved in preparing Skit Nite and a worthy example to emulate in the years to come.

Lenny Roth

Letter to the Editor,

I'll be looking forward to skits by Carol-Lynne and Denise next year at Skit Nite. It's just too easy to criticize: those women must take action. Let those sisters prove to the world that they can go out there and put on the witty, original and squeaky clean skits that we've all been waiting for.

Alain Côt

To the Editor,

We always felt that the "Women and the Law" group really comprised a nice

	16)	Co.			13)	On
ANSWERS	17)	T.H.	DOW	N	14)	York
1) Buggery	19)	Merger	1)	Bridge	15)	B.R.
3) Rod	21)	Trade	2)	Grand	18)	Hogg
5) Disbar	22)	King	3)	Ratio	20)	Edict
6) Fit	25)	Nine	4)	D.P.P.	21)	Tort
9) One	27)	Neg.	6)	Boodman	23)	In
10) :RS	28)	C.C.C.	7)	Reference	24)	Nemo
12) Good for	you 30)	C.T.C.	8)	Force	26)	E.C.S.
15) Bend	31)	Testator	11)	Rut	29)	D.A.

But they bunch of quys. went too far in their criticism of Skit Nite. All of the humour may not have emanated from entirely androgynous sources, but so what? If some of the sexual innuendos were offensive, and that detracted from their general enjoyment of the show itself, we apologize. Actually we would offer a refund to those who felt that their \$5 investment could have been contributed to more wholesome purposes. But alas, that is impossible. Tragically, we have donated these funds, along with the other 99% of our net proceeds, to charity. Perhaps it may not be worthwhile supporting destitute women in need with food, clothing, and shelter, if it must come at the cost of depicting a woman without her three-piece suit and jockstrap. Perhaps we misunderstood the whole spirit of Skit Nite in general. Silly us, thinking it to be a charitable affair with an opportunity for an evening of fun, when in reality it offers yet another target for the clutches of perpetual cause-seekers. But what can they expect from the likes of us? In our families, it was our mothers wearing the skirts.

Seriously, though, almost got incensed when we learned of their vehement disapproval. We nearly tore up our Quids. It was that disturbing. But then we stopped ourselves, and thought, why should we get riled over Women and the Law? We should be tolerant of their motives and intentions. They are only trying to do what they think is right under the circum-And after all, stances.

boys will be boys.

Lenny Roth and The Committee to Elect Denise Giroux as Man of the Year

Law School Crossword

by Marc

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and Commerce	2
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6) June course choice

9) Prosecutor (US)

package (abbrev.)

What's LSR/AFCS? Cont'd from p. 5

11) Deceased donor

is probably the largest and most prestigious ever held...

The McGill Chapter is (one of, if not) the largest university chapter in Canada. (There are chapters at all major law schools) We've organized a very full schedule of events over the last year. We brought in two major international lawyers (Profs Burns Weston and Francis Boyle, in cooperation with MILS.) We organized many other speaking events on the themes of peace, nuclear war, human rights, the Third World, the environment. We have shown many movies, some flown in specially, on these and other topics.

We held two weekend retreats in the country, one in the winter and one in the fall, attended by over forty law students,

both for fun and for education. We held two coffee houses that changed the way a lot of people think about the common-room, just for fun (and raised \$100 for the Shadow Project Defence Fund -- 38 accused on trial for painting chalk shadows on Montreal sidewalks last summer to commemorate Hiros Hiiha day.) We marched in last October's peace march, with the doctors and the unions and the churches and the children ...

We have great hopes for next year, and the year after. Lots of people were involved this year, but we always can do with many more. There was lots we couldn't do for lack of peoplepower. We feel we made a contribution to law school life in introducing into our intellectual diet the odd issue beyond Property or Constitutional Law.

Our End-of-Year Meeting will be held next week, Thursday, April 10th at 4:00 p.m. in the Common Room. We will be electing an executive for 1986/7, and representatives to the National Council and Policy Commissions. Please join us for a glass of wine, and run for a position or support someone who is.

Oh yes...about our name. It has a long history. Physicians for Social Responsibility is more than 25 years old and very wellknown (Nobel Prize etc.). LSR adopted the name. We agree, it's not necessarily the name we would have chosen. But if we are doing the right thing, what's in a name, anyway?

Just A Little Bit Cont'd from p. 4

fulfilled for the LL.B. These include 6 credits from the following list: Equity and Trusts (the name was changed back from Trusts and Estates), Restitution, Remedies, Family Law IA, Commercial Transactions.